

Gerard Laura (DOJ)

From: Gerard Laura (DOJ)
Sent: Friday, September 28, 2007 1:15 PM
To: 'Tanford, J. Alexander'
Subject: RE: Hurley et al. v. Cordrey

Alex:

I disagree with your characterization of "delay." The request is for an extension. This case is Plaintiffs' case to prosecute. June, July and August passed with no discovery from Plaintiffs. The Scheduling Order calls for completion of discovery today. Under the FRCPs, Defendant's response is not required to be completed until after today.

Also, given Plaintiffs' interrogatories which were not received until September 10th, we believe it will likely be necessary to take additional discovery than initially anticipated and which will take more than 60 days. As you are aware, the discovery process is fluid. We will have initial discovery for plaintiffs and, depending upon the responses, reserve the right to take additional discovery as needed and allowed under the Rules. I believe this is necessary since Plaintiffs' Interrogatories raised issues in response in which we will need to develop a factual record prior to case-dispositive motions.

It is unclear to me that if you're willing to extend for 60 days, the reasons for not extending an additional 1 month.

I appreciate your consideration on our request. I regret that we were not able to reach an agreement on this; I was hoping we could have presented the Court with a stipulation rather than a motion.

Laura

-----Original Message-----

From: Tanford, J. Alexander [mailto:tanford@indiana.edu]
Sent: Friday, September 28, 2007 11:45 AM
To: Gerard Laura (DOJ)
Subject: RE: Hurley et al. v. Cordrey

Laura:

I'm uncertain why you think the delay is necessary. Is this a delay to give your client time to respond, or a delay to allow you to prepare discovery requests for us? I will not consent to a delay for delay's sake. A 60-day extension gives you more than twice the time allowed under the rules to respond to our discovery requests, and gives you an extra 30 days beyond the initial discovery period to serve your own discovery requests. Let me know why you think you need more time than that, and we will consider your request for 90 days.

Alex

From: Gerard Laura (DOJ) [mailto:Laura.Gerard@state.de.us]
Sent: Friday, September 28, 2007 11:36 AM
To: Tanford, J. Alexander
Cc: Rdepstein@aol.com; jamesfolsomesq@aol.com
Subject: RE: Hurley et al. v. Cordrey

Alex:

Thank you for your response. I thought there was previous mention that plaintiffs intended to serve discovery soon after the Answer was filed May 25th. The initial discovery period was 4 months. Defendant did not receive Plaintiffs' first discovery request until 18 days before discovery cut-off. Even with a 3-month extension, the effective discovery period would be shortened by almost a month. We believe 3 months should be reasonable.

Please let me know if we can stipulate to this extension, so the necessary paperwork can be filed today.

10/5/2007

Exhibit A
A-1

Laura

-----Original Message-----

From: Tanford, J. Alexander [mailto:tanford@indiana.edu]

Sent: Friday, September 28, 2007 9:41 AM

To: Gerard Laura (DOJ)

Subject: RE: Hurley et al. v. Cordrey

3 months seems like a long time. This case has been languishing quite awhile. How about 60 days -- would that be enough time?

Alex

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From: Gerard Laura (DOJ) [mailto:Laura.Gerard@state.de.us]

Sent: Thursday, September 27, 2007 2:23 PM

To: Tanford, J. Alexander; Rdepstein@aol.com; jamesfolsomesq@aol.com

Subject: Hurley et al. v. Cordrey

RE: *Hurley, et al. v. Cordrey*
U.S. District Court, District of Delaware
Civ. No. 05-826-SLR

Dear Counsel:

To confirm my voice and phone messages today, I am proposing an extension of the discovery and summary judgment motion deadlines in the above-captioned case. The Scheduling Order provides for the completion of discovery by September 28, 2007 and the filing of summary judgment motions by October 31, 2007. Plaintiffs' Interrogatories to Defendant Cordrey were recently received September 10, 2007. I propose a 3-month extension of the deadlines, so completion of discovery would be December 28, 2007 and filing of summary judgment motions would be January 31, 2008.

Please let me know if you are in agreement with the above. Thank you.

Sincerely,

Laura Gerard

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